

OPINION 737

BIRONELLA GRACILIS THEOBALD, 1905 (INSECTA, DIPTERA):
VALIDATED UNDER THE PLENARY POWERS

RULING.—(1) Under the plenary powers it is hereby Ruled that *Bironella gracilis* Theobald, 1905, is not invalidated by its senior secondary homonym *Anopheles gracilis* Donitz, 1902.

(2) The generic name *Bironella* Theobald, 1905 (gender: feminine), type-species, by monotypy, *Bironella gracilis* Theobald, 1905, is hereby placed on the Official List of Generic Names in Zoology with the Name Number 1680.

(3) The specific name *gracilis* Theobald, 1905, as published in the binomen *Bironella gracilis* (type-species of *Bironella* Theobald, 1905) is hereby placed on the Official List of Specific Names in Zoology with the Name Number 2084.

(4) The specific name *bironelli* Christophers, 1924, as published in the binomen *Anopheles bironelli* (a junior objective synonym of *gracilis*, *Bironella*, Theobald, 1905) is hereby placed on the Official Index of Rejected and Invalid Specific Names in Zoology with the Name Number 820.

HISTORY OF THE CASE (Z.N.(S.) 1244)

The present application was first submitted to the office of the Commission by Dr. Elizabeth N. Marks, Dr. I. M. Mackerras, Mr. D. J. Lee and Dr. M. O. T. Iyengar in September 1957. The application was sent to the printer on 27 July 1962 and was published on 26 April 1963 in *Bull. zool. Nomencl.* **20** : 206–209. Public Notice of the possible use of the plenary powers was given in the same part of the *Bulletin* as well as to the other prescribed serial publications (Constitution Art. 12b: *Bull. zool. Nomencl.* **21** : 184) and to seven entomological serials. The proposals were supported by Dr. Donald H. Collness, Dr. H. A. Standfast, Dr. A. R. Woodhill, Dr. W. Peters, Dr. P. F. Mattingly, Professor John N. Belkin, Dr. R. Slooff, Dr. J. H. Hitchcock, Dr. J. van den Assem and Prof. Kenneth L. Knight.

DECISION OF THE COMMISSION

On 1 December 1964 the Members of the Commission were invited to vote under the Three-Month Rule on Voting Paper (64)28 either for or against the proposals set out in *Bull. zool. Nomencl.* **20** : 207. At the close of the voting period on 1 March 1965 the state of the voting was as follows:

Affirmative votes—twenty (20), received in the following order: China, Boschma, Mayr, Simpson, Bonnet, do Amaral, Riley, Uchida, Miller, Obruchev, Vokes, Jaczewski, Tortonese, Ride, Brinck, Binder, Kraus, Mertens, Forest, Alvarado.

Negative votes—four (4): Lemche, Evans, Sabrosky, Holthuis.

Voting Papers not returned—two (2): Hubbs, Munroc.

Commissioners Stoll and Borchsenius returned late affirmative votes. The following comments were made by Commissioners in returning their votes:

Prof. Ernst Mayr (10.xii.64): "However, I vote against the wording. The arbitrary action of the Editorial Committee to put the words 'after 1960' into Article 59c will continue to cause us much trouble. Secondary homonymy is a matter of taxonomic judgment and to hold one person's bad judgment nomenclaturally binding on all those disagreeing with him is strictly in conflict with the taxonomic freedom provision of the Preamble. The fact that virtually all dipterologists (and all after 1938) have continued to use the name *gracilis* in spite of the alleged secondary homonymy is further proof that the provisions of 59c have always been the majority practice in zoology and not only since 1960."

Dr. Henning Lemche (31.xii.64): "Acceptance of the proposals would mean that the Commission decided on the systematic validity of the genus *Bironella*."

Mr. C. W. Sabrosky (17.ii.65): "It is my conviction that the Rules should be suspended to conserve a name only where the importance of the name is over-powering, or confusion really and demonstrably serious. Neither condition holds for *Bironella gracilis*. There will be no respect whatever for Code or Commission if Rules can be suspended easily for cases of essentially minor importance.

"1. *B. bironelli* is adopted in the recent world catalog of the group: 'A synoptic catalog of the mosquitoes of the world,' by Stone, Knight, and Starcke (1959).

"2. Under the Rules, the species in question should have been called *bironelli* ever since 1924, whether placed in *Anopheles* (subgenus *Bironella*) or in the genus *Bironella*.

"3. The species is not of medical or veterinary importance, and has no claim to special consideration on those grounds.

"4. The species is not of overwhelming commonness or importance. It is of interest chiefly to specialists. From the figures in the application itself, including the correct uses, only fifty publications are cited (even counting two editions of one book, and listing two volumes of Theobald's Monograph as separate works), and only 36 authors (even counting all joint authors), for over a half century of publication.

"5. Three other uses of *bironelli* for the period in question have been called to my attention:

"1929. Walch and Soesilo, Meded. Dienst. Volkgezondh. Ned. Indie 18 : 464

"1931. Strickland and Choudhury, Anoph. Larv.; Suppl. : 10

"1938. Hell, Meded. Dienst. Volkgezondh. Ned. Indie 27 : 477."

ORIGINAL REFERENCES

The following are the original references for names placed on the Official Lists and Index by the Ruling given in the present Opinion:

Bironella Theobald, 1905, *Ann. Mus. nat. Hung.* 3 : 69

bironelli, *Anopheles*, Christophers, 1924, *Ind. Med. Res. Mem.* 3 : 5, 16

gracilis, *Bironella*, Theobald, 1905, *Ann. Mus. nat. Hung.* 3 : 49

CERTIFICATE

We certify that the votes cast on Voting Paper (64)28 were cast as set out above, that the proposal contained in that Voting Paper has been duly adopted under the plenary powers, and that the decision so taken, being the decision of the International Commission is truly recorded in the present Opinion No. 737.

G. OWEN EVANS

*Secretary**International Commission on Zoological Nomenclature*

W. E. CHINA

*Assistant Secretary**London**19 May 1965*